

03-10

**From:** M.A. Edwards  
**To:** KM KJMWEB  
**Date:** 4/14/03 8:45PM  
**Subject:** Nevada 271 approval

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Dear Commissioner Martin:

Although not surprised by the Commission's decision to allow SBC it's long distance privileges late this afternoon, I am nonetheless disappointed that the Commission failed to investigate, or even reply to our request for investigation, of the irregularities in the application that we pointed out in our comments and demands to the Enforcement Bureau.

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Federal Communications Commission  
Office of the Secretary

We have been seeking enforcement of the Local Competition Orders concerning CMRS since 1997, and with each successive court decision upholding those orders we have reinstated our requests. Even though SBC lost its final decision in 2001, and we have continually pointed out to the Commission the failure of SBC to comply, our pleas have fallen on deaf ears. We, apparently, are not entitled to the protections the 'vigorous' and 'swift' prosecution of competitive failures long and repeatedly promised by the Commission in public statements and testimony before Congress. Our latest demand of the Enforcement Bureau is attached.

We believe that after seven years and repeated requests, we have exhausted our administrative remedies, and with this last decision, should just proceed to the courts issuing the orders so that we can, once again, attempt to restart our businesses by requesting the court to compel compliance, by all concerned.

Mr. Martin, you don't have to worry about competition in Nevada; there IS no competition in Nevada. There never has been, and never will be. I don't care how you slant it, sugarcoat it, spin it, or simply ignore it, you will never be able to point to a legitimate competitor in this state until the Commission actually enforces the decisions governing competition instead of simply taking the deliberate misstatements of SBC as gospel.

Anybody expecting a recovery in the telecommunications industry, particularly if that recovery looks to small business, is a fool. One would have to depend on the Commission actually enforcing the competitive wins, and we now are certain that won't happen; the only thing certain is endless litigation. Small companies ought not be forced to spend eight or ten times what it would cost to build out a small rural network in lawyers fees and court costs. You don't make a rate of return on litigation unless you are an RBOC, and no investor in his right mind is going to put his money in litigation rather than building networks. Something is definitely wrong with this picture, and after thirty five years in this business I have a pretty good idea what it is... In the old days we brought violations to the attention of Commission, and they were resolved, one way or the other. Now, public convenience and necessity be damned, it's politics and greed that govern the conduct and decisions; the lessons of Enron and WorldCom seem lost once again. If this is the way of the telecom industry, I choose not to participate. I imagine that if the FCC won't enforce its own orders, the courts upholding those orders will; maybe then we can actually serve a customer again.

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I can't say that the recent decisions are glowing examples of clear thinking and good public policy, but then, we're just the people in the field that would like to actually serve areas that have no service, or the service is marginal at best. Maybe we're missing something. If so, I would love to have it explained in a manner that my potential customers understand. We aren't asking for subsidies, public funds, or any other freebies that so permeate the 'rural' providers' thought processes. All we ask is connection to the network in accordance with the decision of the court in TSR; we can do the rest, just as we have done for over three decades. We have been denied that access, and the FCC refuses to act to compel performance by SBC of that interconnection. We asked for the return of the payments made under duress, threats of disconnection, and other harassment by SBC, and again have received nothing by way of reply from the Commission. One begins to wonder why the Commission turns a blind eye to this misconduct. I'm certain that there is an answer, and can be provided to the appropriate forum, once sworn.

Thanks for taking a moment to read this, Mr. Martin. I'm certain that some of our potential customers, investors, agents, representative, shareholders, and other interested parties will have many more questions of you than I can put here. I am hoping that you, and the Commission, this time will formulate an answer for them. Without competition, there will be no service for many places in Nevada. They can't live with that as an answer much longer; it is no longer acceptable.

Sincerely,

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